

**Before the  
Federal Communications Commission  
Washington D.C. 20554**

In the Matter of Review of	)	MB Docket No. 02-277
	)	
2002 Biennial Regulatory Review – Review	)	
of the Commission’s Broadcast Ownership	)	
Rules and Other Rules Adopted Pursuant to	)	
Section 202 of the Telecommunications Act	)	
of 1996	)	
	)	
Cross-Ownership of Broadcast Stations and	)	MM Docket No. 01-235
Newspapers	)	
	)	
Rules and Policies Concerning Multiple	)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations in	)	
Local Markets	)	
	)	
Definition of Radio Markets	)	MM Docket No. 00-244
	)	

**REPLY COMMENTS OF DAVID E. GRIFFITH**

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January 3, 2003

## **I. SUMMARY**

David E. Griffith (“Mr. Griffith”) welcomes this opportunity to submit comments in the Federal Communications Commission’s (“Commission” or “FCC”) Notice of Proposed Rulemaking in the proceeding captioned: *In the Matter of Review of the 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 02-277, *Cross-Ownership of Broadcast Stations and Newspapers*, MM Docket No. 01-235, *Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets*, MM Docket No. 01-317, and *Definition of Radio Markets*, MM Docket No. 00-244

Mr. Griffith urges the Commission to:

- 1. Adopt rules that ensure that current local ownership of broadcast stations is retained within a market trading area, and is expanded as new stations are added to a market area.**
- 2. Adopt rules that would expand minority ownership of broadcast stations at the local level.**
- 3. Continue to limit cross ownership of newspapers and television stations within a market area.**
- 4. Reject comments of media giants including Fox Entertainment, NBC, Telemundo, and Viacom concerning elimination of ownership rules.**

## **II. NAME AND IDENTITY OF COMMENTER**

1. The name and address of the commenter:

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2. Send all correspondence, and communications in this proceeding to:

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Mr. Griffith is a concerned citizen with more than 30 years experience in telecommunications, is a radio enthusiast, and is a proponent of media diversification and the preservation of the free speech and free press guarantees of the First Amendment..

### **III. INTRODUCTION AND BACKGROUND**

Mr. Griffith respectfully submits these reply comments in response to the September 23, 2002, Notice of Proposed Rulemaking ("Notice" or "Ownership Rules Review") released by the Commission in the above-captioned proceedings.<sup>1</sup> Because of the critical impact action in this proceeding will have on the existing state of the media in this country, Mr. Griffith feels compelled to file these comments. Above all other considerations, the Commission must ask whether the decisions it is making with respect to these rules are “in the public interest.”

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<sup>1</sup> *In the Matter of 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, MM Docket Nos. 02-277, (rel. Sept. 23, 2002) 96-98 and 98-147, Notice of Proposed Rulemaking, FCC 01-361 (rel. Dec. 20, 2001) (“Notice”).

#### **IV. REPLY COMMENTS OF DAVID E. GRIFFITH**

Mr. Griffith endorses the positions of the Center for the Creative Community,<sup>2</sup> the Minority Media and Telecommunications Council,<sup>3</sup> and the National Organization of Women (“NOW”).<sup>4</sup> Mr. Griffith believes the Commission should ensure that local broadcast ownership is retained and opportunities are created to increase the degree of localism and minority ownership available in local markets. Mr. Griffith requests that the Commission carefully review all of the issues in this proceeding and base its final decision on what is in the public interest,

Specifically, Mr. Griffith endorses the following positions:

##### **(1) Ensuring Local Ownership is in the Public Interest**

The Commission should explore avenues to increase the availability of new spectrum for expanding local ownership, including community broadcast. The Commission’s low power FM docket opened spectrum for community broadcasting in rural areas, but spectrum in crowded metro markets continues to be scarce. The Commission needs to relax alternate channel interference rules and examine the opening of additional space for broadcasting stations as suggested by the Minority Media and Communications Council.<sup>5</sup> Ownership of this additional capacity should only be made available to (1) minority and

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<sup>2</sup> *Initial Comments of the Center for the Creative Community* in MB Docket Nos. 02-277, et al, filed January 2, 2003.

<sup>3</sup> *Initial Comments of the Minority Media and Telecommunications Council* in MB Docket Nos. 02-277, et al, filed January 2, 2003.

<sup>4</sup> *Initial Comments of the National Organization of Women (“NOW”)* in MB Docket Nos. 02-277, et al, filed January 2, 2003.

<sup>5</sup> *Initial Comments of the Minority Media and Telecommunications Council* at 128-141.

women owners, (2) local owners (individuals who own a single station in a single market), and (3) community groups.

**(2) Local Minority Ownership of Local Broadcast Stations is in the Public Interest**

James Winston of the National Association of Black Owned Broadcasters remarked that less than 2 percent of the country's radio broadcast stations (240 of more than 13,000) and television stations (only 20 of more than 1,000) are owned by African Americans.<sup>6</sup>

Juan Gonzalez of the National Association of Hispanic Journalists noted that Univision controls 85% of the country's Hispanic broadcasting, but it is not Hispanic-owned.<sup>7</sup>

Consolidation will not "bring about more minority ownership."<sup>8</sup> The Commission must adopt rules that will encourage more ownership among African Americans, Hispanic Americans, Asian Americans, and other minority groups.

**(3) Cross Ownership of Television Stations and Newspapers in the Same Market Area is NOT in the Public Interest**

The Commission should reject the Gannett Corporation's position that the FCC should "repeal the newspaper/broadcast cross-ownership rule".<sup>9</sup> Consolidation is also rampant in the newspaper industry. In a recent guest editorial, Frank A. Blethen, owner of *The*

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<sup>6</sup> James Winston, National Association of Black Owned Broadcasters, *Remarks at the FCC's Forum on Media Ownership*, Columbia Law School, January 16, 2003.

<sup>7</sup> Juan Gonzalez, National Association of Hispanic Journalists, *Remarks at the FCC's Forum on Media Ownership*, Columbia Law School, January 16, 2003.

<sup>8</sup> *Initial Comments of the Minority Media and Telecommunications Council* in MB Docket Nos. 02-277, et al, January 2, 2003, at 48.

<sup>9</sup> *Comments of Gannett Co., Inc.* in MB Docket Nos. 02-277, et al, January 2, 2003.

*Seattle Times*, noted that a handful of companies now control over “75% of the country's newspaper circulation.”<sup>10</sup> Mr. Blethen concluded his guest editorial by stating:

We should start by insisting that the FCC keep its cross-ownership ban. And then we need to start talking about what the FCC, the Justice Department, and Congress can do to stimulate investment in quality journalism and to protect an independent press. We need to wake up to the dangers of concentration and stop taking or allowing actions that further accelerate it.

If we don't, we put 225 years of democracy at risk.<sup>11</sup>

**(4) Elimination or relaxation of ownership rules is NOT in the Public Interest**

Media giants, Fox Entertainment, NBC, Telemundo, and Viacom, etc. (“Fox”) claim ownership rules are unnecessary.<sup>12</sup> Fox noted in great detail the number and availability of media outlets,<sup>13</sup> but made no mention of the great reduction in the number of owners and the resultant concentration among a few strongly financed corporations. Ellen Agress of Fox Entertainment spoke of the recent proliferation in the growth of media outlets and the greater availability of community newspapers and news magazines as a reason for relaxing the Commission’s ownership rules.<sup>14</sup> Ms. Agress also encouraged the Commission to base its decisions “on facts, not anecdotes.”<sup>15</sup> Contrary to its claim about its news reporting, Fox’s arguments are neither “fair” nor “balanced.” Fox’s media arguments completely ignored ownership statistics in the broadcasting arena.

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<sup>10</sup> Frank A. Blethen, *The Seattle Times*, Guest Editorial, “A Voice In the Wilderness, Publisher Blasts Industry View On Cross-ownership,” March 18, 2002.

<sup>11</sup> *Id.*

<sup>12</sup> *Initial comments of Fox Entertainment Group, Inc., Fox Television Stations, Inc. National Broadcasting Company, Inc., Telemundo Communications Group, Inc. and Viacom (“Fox”),* January 2, 2003, at 33.

<sup>13</sup> *Fox*, at 13-15

<sup>14</sup> Ellen Agress, Fox Entertainment, *Remarks at the FCC’s Forum on Media Ownership*, Columbia Law School, January 16, 2003.

<sup>15</sup> *Id.*

Commissioner Copps cited the consolidation of 330 stations in 2001 alone.<sup>16</sup> Thus in 2002 there were 330 fewer voices, voices that were silenced at a price of \$110 billion.<sup>17</sup> “Of the 91 major television networks...nearly 80 percent are owned or co-owned by just six media conglomerates.”<sup>18</sup> According to an FCC report the number of radio broadcast stations has increased since 1996 by about 5.4 percent, but the number of owners has dropped by 34 percent.<sup>19</sup> Thus, in six years there are 34 percent fewer voices in the broadcasting media. This trend is not diversification. It is pure and simply concentration, and it is **not** in the public interest. Arguments in favor of elimination or relaxation of the Commission’s ownership rules must be soundly rejected.

## **V. CONCLUSIONS**

- 1. Adopt rules that ensure that current local ownership of broadcast stations is retained within a market trading area, and is expanded as new stations are added within a market area.**
- 2. Adopt rules that encourage more minority ownership of broadcast stations at the local level.**
- 3. Retain existing rules that prohibit cross ownership of newspapers and television stations within the same market area.**

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<sup>16</sup> Commissioner Michael J. Copps, *Remarks at the Everett Parker Ethics in Communications Lecture*, Washington, DC. September 24, 2002, p 10.

<sup>17</sup> *Id.*

<sup>18</sup> *Comments of the Center for the Creative Community* in MB Docket Nos. 02-277, et al, filed January 2, 2003.

<sup>19</sup> Commissioner Jonathan S. Adelstein, *Remarks at the Future of Music Coalition Policy Summit 2003*, Georgetown University, January 6, 2003.

4. **Reject comments of media giants Fox Entertainment, NBC, etc.  
concerning elimination of ownership rules as NOT being in the public  
interest.**

I appreciate your consideration of these comments.

DATED at Seattle, Washington, this third day of February, 2003.

DAVID E. GRIFFITH